

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated February 7, 2007. Reconsideration and allowance is respectfully requested in view of the remarks made below.

1. The Prior Art Rejections and Applicant's Amendments

Claims 1-11 and 13-20 were rejected under Section 102(b) based on U.S. Patent 5,123,554 to Arvidson et al. ("Arvidson"). Claim 12 was rejected under Section 103(a) based on a combination of Arvidson and U.S. Patent 5,238,129 to Ota ("Ota"). Applicant respectfully but strenuously traverses these rejections and respectfully submits that such rejections should not be applied to the claims as amended, for the reasons set forth below.

Applicant's amended Claim 1 reads as follows:

A thin-walled, plastic container having a body portion with rectangular sidewalls and a base wherein the body portion comprises a label mounting area, on at least two of the rectangular sidewalls, extending between an upper label bumper and a lower label bumper, the label mounting area comprising:

a rectangular vacuum panel having an upper and lower edge, said vacuum panel having a substantially flat land area, and

a plurality of ribs within each panel, said ribs being spaced apart from each other along said substantially flat land area such that a portion of said substantially flat land area is positioned between adjacent ribs, each of said plurality of ribs having either an outward or inwardly projecting rounded edge relative to said substantially flat land area ~~a space defined by the sidewalls~~, wherein said ribs are parallel to each other and the non rounded base, said ribs extend from one side of the rectangular panel to the other, wherein said rounded edge of at least one of the plurality of ribs is inwardly facing and said rounded edge of at least one of the plurality of ribs is outwardly facing.

Amended Claim 15 reads as follows:

A plastic container having a body portion with rectangular sidewalls and a base wherein the body portion comprises a label mounting area extending between an upper label bumper and a lower label bumper, the label mounting area comprising:

a rectangular vacuum panel on at least two of the rectangular sidewalls, each said panel having an upper and lower edge, said vacuum panel having a substantially flat land area; and

an odd-numbered plurality of ribs within each panel, said ribs being spaced apart from each other along said substantially flat land area such that a portion of said substantially flat land area is positioned between adjacent ribs, each of said plurality of ribs having either an outward or inwardly projecting rounded edge, relative to a space defined by the sidewalls, wherein said ribs are parallel to each other and the non rounded base and extend substantially from one side of the rectangular panel to the other, and wherein the rounded edge of at least one rib is inwardly facing and the edges of the remaining ribs are outwardly facing.

These claims have been amended in response to Examiner Mai's comments that the term "space" is broad and could be any space between the apexes of the alternating ribs in Arvidson.

Arvidson lacks a substantially flat land area between its adjacent ribs, as is required by amended independent claims 1 and 15. Its ribs are immediately adjacent to each other, with no spacing therebetween. Accordingly, the amended claims are novel with respect to Arvidson.

Applicant respectfully submits that the claims are nonobvious over the prior art as well. The purpose of the ribs in Arvidson is to maximize the amount of heat transfer through the walls of the container. This fact teaches away from any possible proposed modification of Arvidson that would involve separation of the ribs and insertion of a flat surface between adjacent ribs. Any such modification would reduce the surface area of the container well, thus reducing heat transfer.

Accordingly, Applicant respectfully submits that the claims as amended patentably define over the prior art of record and respectfully solicits a Notice to that effect in the next Official Communication.

2. Conclusion

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he or she is respectfully invited to telephone the undersigned at 215-599-0600. Contact with the undersigned via electronic mail at jknoble@patentwise.com is hereby authorized¹ per MPEP 502.03.

Respectfully submitted,

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Date: June 14, 2007

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¹ Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.